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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/653,205	09/03/2003	David Chen	CHEN396	2601
1444	7590	12/10/2004	EXAMINER	
BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303			GRAHAM, MARK S	
			ART UNIT	PAPER NUMBER
			3711	

DATE MAILED: 12/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/653,205	CHEN, DAVID	
	Examiner Mark S. Graham	Art Unit 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 October 2004.
- 2a) This action is **FINAL**.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4, 6-8, 13-15 is/are rejected.
- 7) Claim(s) 5 and 9-12 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
- Certified copies of the priority documents have been received.
  - Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Vinciguerra. Davis discloses the claimed device, (note Davis' base member 36, putting green board 40, 42 etc., and elevating assemblies at element 62) with the exception of the ball return system (vent and ball trench). However as disclosed by Vinciguerra such are known in the art. It would have been obvious to one of ordinary skill in the art to have used such with Davis' device as well to permit ball return.

Claims 2-4 and 13/2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Vinciguerra and Kim. Davis in view of Vinciguerra obviates the claimed device with multiple elevating assemblies. Davis does not discuss automating the assemblies but it is known in the art to do such as disclosed by Kim. It would have been obvious to one of ordinary skill in the art to have done the same with Vinciguerra's assembly to make it easier to adjust.

Concerning claim 4, Davis' "shell" 62 and "elevating part" 60 are in reversed positions relative to that claimed by applicant but a mere reversal of parts is not considered a patentable distinction under current case law.

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 4 above, and further in view of Ju. Claim 6 is obviated for the reasons explained in the claim 4 rejection with the exception of the tappet and hole stop system.

However such (14) are known in the art as disclosed by Ju. It would have been obvious to one of ordinary skill in the art to have provided such on Davis' device to limit the elevating assemblies.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Vinciguerra and Gettelfinger. Davis in view of Vinciguerra obviates the claimed device with multiple elevating assemblies. Davis does not discuss automating the assemblies but it is known in the art to do such as disclosed by Gettelfinger with a motor. It would have been obvious to one of ordinary skill in the art to have done the same with Davis' assembly to make it easier to adjust.

Claim 13/8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 8 above, and further in view of Kim. Claim 13 is obviated for the reasons explained in the claim 8 rejection with the exception of the controlling device. However, as disclosed by Kim it is known in the art to include such. It would have been obvious to one of ordinary skill in the art to have done the same with the Davis/Vinciguerra/Gettelfinger device to make it easier to use.

Claim 15/13/2 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 13/2 above, and further in view of Newby.

Claim 15/13/2 is obviated for the reason set forth in the claim 13/2 rejection with the exception of the microswitch in the guideway. However, as disclosed by Newby it is known in the art to provide a switch in the guideway to count the balls. It would have been obvious to one of ordinary skill in the art to have done the same with the Davis device to count the balls.

Claim 15/13/8 is obviated for the reason set forth in the claim 13/8 rejection with the exception of the microswitch in the guideway. However, as disclosed by Newby it is known in

the art to provide a switch in the guideway to count the balls. It would have been obvious to one of ordinary skill in the art to have done the same with Davis' device to count the balls.

Applicant's arguments with respect to claims 1-4, 6-8 and 13-15 have been considered but are moot in view of the new ground(s) of rejection.

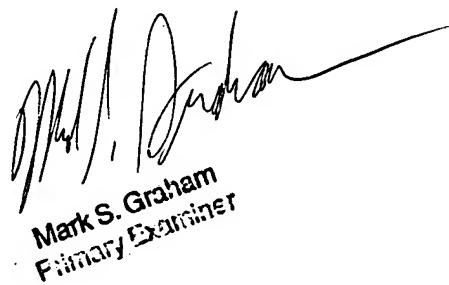
Claims 5, 9, 10, 11, and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Mark S. Graham at telephone number 571-272-4410.

MSG  
12/3/04



Mark S. Graham  
Primary Examiner